



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**SEP 23 2014'**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7011 0470 0002 2746 8843

Mr. Rob Mahon, Commercial Property Manager  
Ho-Chunk Commercial Real Estate  
Ho-Chunk Centre  
Suite 321  
600 4<sup>th</sup> St.  
Sioux City, Iowa 51101

RE: Pony Express Convenience Store Public Water System  
Federal ID: 070000020

**NOTICE OF VIOLATION**

Dear Mr. Mahon:

The Pony Express Convenience Store is classified as a non-community Public Water System, as defined by the Safe Drinking Water Act and the Code of Federal Regulations at 40 CFR § 141.2. The U.S. Environmental Protection Agency, Region 7, is the Primacy Agency tasked with oversight of the Pony Express Convenience Store PWS. Every public water system in the United States is required to perform regular bacterial testing of its drinking water to make sure it is safe for human consumption.

**Violation 1: Total Coliform Maximum Contaminant Level – Total Coliform Rule 40 CFR § 141.63**

The EPA and laboratory records indicate that the Pony Express Convenience Store PWS violated the Total Coliform MCL with the presence of total coliform detected in samples taken on August 11 and on August 21, 2014.

As a result of this violation, the regulations require the following actions:

1. Per the regulations at 40 CFR §§ 141.21(g) and 40 CFR 141.203, Public Notification of Drinking Water Violations, the Pony Express Convenience Store PWS shall post a Public Notice no later than September 22, 2014. The Notice must remain in place until the required 5 routine samples in September are Total Coliform negative and the posting has been up at least 7 days. The Public Notice is to be posted in conspicuous locations throughout the store, such as drink stations, coffee pots and in all restrooms.
2. As required by 40 CFR §§ 141.31(d) and 141.201(c)(3), within ten days of completing the



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public notification, the Pony Express Convenience Store PWS must submit a signed statement to the EPA certifying that the public notice requirements were met, along with a copy of the public notice used. A sample Public Notice and certification statement are enclosed, along with detailed instructions for issuing the Public Notice.

Within 10 days of completing the public notification, please send a copy of the Public Notice used and the certification statement to:

U.S. Environmental Protection Agency  
Region 7  
ATTN: Kimberly Willis  
WWPD/DRWM  
11201 Renner Boulevard  
Lenexa, Kansas 66219

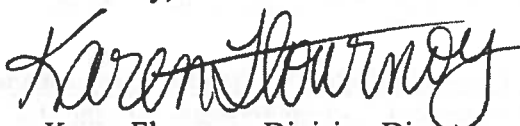
3. Per 40 CFR § 141.21(b)(5), Total Coliform positive sample results require the Pony Express Convenience Store PWS to collect five routine samples in the month of September 2014. If there are additional positive sample results, those constitute additional violations, and additional sampling will be required.

**Violation 2: Failure to Monitor – Total Coliform Rule 40 CFR § 141.121(a)(3)**

The EPA and laboratory records indicate that the Pony Express Convenience Store PWS failed to perform the required monthly sampling for Total Coliform bacteria and *E. coli* in July 2014.

Ms. Kimberly Willis, staff member of the Drinking Water Branch at the Region 7 EPA, has been in contact with the manager and staff at the Pony Express Convenience Store to provide technical assistance in taking the repeat samples and the source water sample. Should your facility require any further assistance in determining the steps needed to return to compliance, please do not hesitate to contact Kimberly Willis, by email at [willis.kimberly@epa.gov](mailto:willis.kimberly@epa.gov) or at (913) 551-7069.

Sincerely,



Karen Flournoy, Division Director  
Water, Wetlands and Pesticides Branch

Enclosures

1. Public Notice for TC MCL Violation
2. Certification Statement

cc: John Blackhawk, Chairman Winnebago Tribe of Nebraska  
Jan King, Heritage Express  
Marci Buffalo-Chief, Store Manager

## CERTIFICATION STATEMENT

Pony Express Convenience Store Public Water System  
EPA PWSID #070000020

PWS NAME: \_\_\_\_\_  
(system name)

### Total Coliform Positive MCL Violation August 2014

For violations: \_\_\_\_\_  
(system identification number)

Occurring: Total Coliform positive results August 11 and 21, 2014

The public water system indicated above, hereby affirms that public notice has been provided to consumers in accordance with delivery, content, and format requirements and deadlines in 40 CFR Part 141, Subpart Q.

Consultation with primacy agency (if required) on: \_\_\_\_\_  
(insert date) (name of EPA staff contacted)

Notice distributed by \_\_\_\_\_ (insert method) \_\_\_\_\_ (insert date)

Notice distributed by \_\_\_\_\_ (insert method) \_\_\_\_\_ (insert date)

**Attached:** A copy of all public notices used to reach customers is required to accompany this "Certification Statement".

**Signature of official agent, owner or manager/operator**

Date \_\_\_\_\_

Return to:

U.S. Environmental Protection Agency  
Region 7  
WWPD/DWMB  
ATTN: Kimberly Willis  
11201 Renner Boulevard  
Lenexa, KS 66219

Contents of Notice

**All public notices must include a clear and readily understandable explanation of each violation or situation and must address the following (10) elements:**

1. Description of the violation or situation including contaminants(s) of concern and (as applicable) the contaminant level(s);
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation, using standard language provided in the rule;
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternate water supplies should be used;
6. What actions consumers should take, including when to seek medical help, if known;
7. What the system is doing to correct the violation or situation;
8. When the system expects to return to compliance or solve the situation;
9. Contact information: name, business address, and phone number of the water system owner, operator, or designee of the Public Water System that can provide additional information; and
10. A statement encouraging notice recipients to distribute the notice to other persons served by the water system.

# Instructions for Unresolved Total Coliform Notice

## Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [40 CFR 141.203(b)]. Persistent total coliform problems can be serious. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all requirements. You must issue a repeat notice every three months for as long as the violation persists.

Noncommunity systems must use one of the following methods [40 CFR 141.203(c)]:

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and noncommunity systems must use another method reasonably calculated to reach others if they would not be reached by the first method [40 CFR 141.203(c)]. Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on your system's letterhead, if available.

The notice on the reverse is appropriate for mailing, posting, or hand delivery. If you modify this notice, you must still include all required PN elements listed in 40 CFR 141.205(a) and leave the mandatory language unchanged (see below).

### Mandatory Language

Mandatory language on health effects (from Appendix B to Subpart Q) must be included as written (with blanks filled in) and is presented in this notice in italics and with an asterisk on either end.

You must also include standard language to encourage the distribution of the public notice to all persons served, where applicable [40 CFR 141.205(d)]. This language is also presented in this notice in italics and with an asterisk on either end.

### Description of the Violation

The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

#### If You Take Less Than 40 Samples a Month

State the number of samples testing positive for coliform.  
The standard is that no more than one sample per month  
may be positive.

### Corrective Action

In your notice, describe corrective actions you are taking. If you know what is causing the coliform problem, explain this in the notice. Listed below are some steps commonly taken by water systems with total coliform violations. Depending on the corrective action you are taking, you can use one or more of the following statements, if appropriate, or develop your own text:

- We are disinfecting and flushing the water system.
- We are increasing sampling for coliform bacteria.
- We are investigating the source of contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We will inform you when additional samples show no coliform bacteria.

### After Issuing the Notice

Make sure to send a copy of each type of notice and a certification that you have met all the public notice requirements to your primacy agency within ten days after issuing the notice [40 CFR 141.31(d)]. It is a good idea to inform your consumers when the violation has been resolved. See Template 2-2 for a resolved notice template.

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Tests Show Coliform Bacteria in Pony Express Convenience Store Water

The Pony Express Convenience Store water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. We took 4 samples for coliform bacteria during August. Two of those samples showed the presence of coliform bacteria. The standard is that no more than 1 sample per month may do so.

### What should I do?

- You do not need to boil your water or take other corrective actions. However, if you have specific health concerns, consult your doctor.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

### What does this mean?

This is not an emergency. If it had been you would have been notified within 24 hours. Total coliform bacteria are generally not harmful themselves.

*Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.** If we had, we would have notified you immediately. However, we are still finding coliforms in the drinking water.

### What is being done?

We are increasing sampling for coliform bacteria.

We are still detecting coliform bacteria. We will inform you when our sampling shows that no bacteria are present. We anticipate resolving the problem as soon as possible.

For more information, please contact Marci Buffalo-Chief at 402-878-4180 or at this store.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by the Pony Express Convenience Store Public Water System.  
EPA Water System ID#: 070000020.

Date distributed: \_\_\_\_\_.